

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

UNITED STATES OF AMERICA,

VS.

CRIMINAL ACTION NO. 4:05CR32-P-B

MARQUET JOHNSON,

DEFENDANT.

THIRD ORDER CONTINUING TRIAL

This matter comes before the court upon the Government's first Motion for Continuance [23-1]. Upon due consideration of the motion the court finds as follows, to-wit:

This matter is currently set for trial on August 29, 2005. The Government seeks a continuance because its chemical analyst witness, one of its chief witnesses, must undergo surgery and will be unable to attend a trial on August 29. The defendant does not object to a continuance.

Pursuant to 18 U.S.C. § 3161(h)(3)(A), which allows tolling of the Speedy Trial Act for "[a]ny period of delay resulting from the absence of unavailability of ... an essential witness," the court concludes that the continuance until September 12, 2005 should be granted.

IT IS THEREFORE ORDERED AND ADJUDGED that:

- (1) The Government's Motion for Continuance [23-1] is hereby **GRANTED**;
- (2) Trial of this matter is continued until Monday, September 12, 2005 at 9:00 a.m. in the United States Courthouse in Greenville, Mississippi;
- (3) The delay from August 29, 2005 to September 12, 2005 is excluded as set out above; and

(4) The deadline for filing pretrial motions is August 29, 2005.

SO ORDERED this the 26th of August, A.D., 2005.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE